

## **REMARKS**

### **Amendments**

#### ***Amendments to the Claims***

Applicant has amended the claims to more particularly point out what Applicant regards as the invention. Applicant has amended the claims to claim modifying a play sequence and associated story line of a broadcasted program corresponding to a selected content to switch to a different story line of that broadcasted program corresponding to the selected content. No new matter has been added because support for the amendments can be found, *intra alia*, in paragraphs 23 and 47-48 of Applicant's specification as originally filed.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 102***

#### **Claims 1-2, 4-5, 7-16, 18-19, 21-29, 31-32, and 34-38**

Claims 1-2, 4-5, 7-16, 18-19, 21-29, 31-32, and 34-38 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ismail, et al. (U.S. Publication No. 2006/0212900) (previously cited). Applicant respectfully submits that Ismail does not teach or suggest each and every element of Applicant's invention as claimed in claims 1-2, 4-5, 7-16, 18-19, 21-29, 31-32, and 34-38.

Ismail discloses a television set-top-box that creates a viewer preference profile based on a viewer's viewing history. The set-top-box selects various video segments to create customized video programs for delivery to the viewer as a linear program. Furthermore, Ismail discloses that the user can customize their profile, specify an advertising preference or switch channels.

Applicant notes that the Examiner withdrew the same rejection of Applicant's claims in the Final Office Action mailed August 3, 2009. Applicant is unclear whether the rejection is reinstated in the present Office Action. Per our arguments in the response to the August 3, 2009 Final Office Action, Applicant does not believe that Ismail anticipates Applicant's claims.

Nevertheless, in the spirit of advancing prosecution, Applicant has amended the independent claims to claim modifying a selected play sequence and associated story line of a broadcasted program corresponding to the selected content to switch to a different story line of that broadcasted program. The sections of Ismail cited by the Examiner as disclosing Applicant's modifying a play sequence discloses that a user can customize their profile, specify an advertising preference, or switch channels from one broadcast program to another broadcast program. However, none of these sections as teaching or disclosing Applicant's claimed element. Thus, Applicant respectfully submits that these sections of Ismail can be properly interpreted as disclosing Applicant's claimed element. For example, one of skill in the art would not consider customizing a user profile or specifying an advertising preference as equivalent to claim modifying a selected play sequence and associated story line of a broadcasted program corresponding to the selected content to switch to a different story line of that broadcasted program as claimed.

Furthermore, as is known in the art, changing channels merely changes from one broadcast program to another broadcast program. Changing channels may stop the playing of a playlist, but changing channels from one broadcast program to another broadcast program itself does not modify the playlist or the associated story line of the original broadcast program. The playlist and associated story line of the original broadcast program would remain that same after the channel change to another broadcast program. In addition, there is no other section of Ismail that teaches or suggests modifying a selected play sequence and associated story line of a broadcasted program corresponding to the selected content to switch to a different story line of that broadcasted program as claimed. Thus, Ismail cannot properly be interpreted as teaching or suggesting Applicant's claimed element.

Therefore, Applicant respectfully submits that the invention claimed in claims 1, 12, and 28, and claims 2, 4-5, 7-11, 13-16, 18-19, 21-27, 29, 31-32, 34-38 that depend on them is not anticipated by Ismail under 35 U.S.C. § 102(e). Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims.

### **SUMMARY**

Claims 1-2, 4-5, 7-16, 18-19, 21-29, 31-32, and 34-38 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests entry of the after final amendment as this amendment reduces the number of issues for appeal. Furthermore, Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

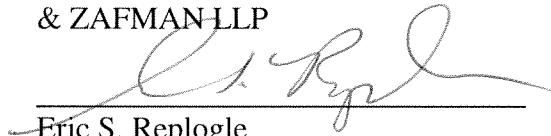
If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eric Replogle at (408) 720-8300 x7514.

### **Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR  
& ZAFMAN-LLP



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